



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7791-5992
RETURN RECEIPT REQUESTED

Converse County Commissioners
c/o Frank Eathorne Jr., Chair
107 North 5th Street, Suite 114
Douglas, WY 52633

SEP 8 2005

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Alpine Inn PWS ID #5600320

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Alpine Inn, Douglas, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. §§ 141.23(d), 141.21(a), 141.21(g)(2), and 141.31(b) for: failure to monitor for nitrate; failure to monitor for total coliform bacteria; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

SEP 8 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7791-6005

RETURN RECEIPT REQUESTED

Gayatri, LLC
Bipin Patel, Registered Agent
314 N. Russell Ave.
Douglas, WY 82633

Alpine Inn
c/o Bipin Patel, Operator
2310 E. Richards Street
Douglas, WY 82633

Re: Administrative Order
Docket No. **SDWA-08-2005-0055**
PWS ID #WY5600320

Dear Mr. Patel:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Gayatri LLC, as owner of the Alpine Inn Water System (System), and Bipin Patel, as operator of the System, are public water suppliers as defined by the SDWA and that the owner and/or operator of the System has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.23(d), 141.21(a), 141.21(g)(2), and 141.31(b) for: failure to monitor for nitrate; failure to monitor for total coliform bacteria; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

If the System owner and/or operator complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the



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2.

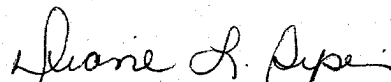
Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template
SBREFA

cc: (via e-mail)
WY DEQ
WY DOH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 8 2005

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7791-6005
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Bipin Patel, Registered Agent
314 N. Russell Ave.
Douglas, WY 82633

Alpine Inn
c/o Bipin Patel, Operator
2310 E. Richards Street
Douglas, WY 82633

Re: Administrative Order
Docket No. **SDWA-08-2005-0055**
PWS ID #WY5600320

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2.


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We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public Notice template
SBREFA

cc: (via e-mail)
WY DEQ
WY DOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 SEP -8 PM 1:18

IN THE MATTER OF)
)
Bipin Patel, Operator)
Gayatri LLC, Owner)
Alpine Inn)
Douglas, Wyoming)
PWS ID# WY5600320)
)
Respondents)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2005-0055**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Respondent Gayatri LLC dba Alpine Inn is a limited liability company under the laws of the state of Wyoming as of June 1999 and therefore a "person" within the meaning of 40 C.F.R. § 141.2. Respondent Mr. Bipin Patel is an individual and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the Alpine Inn

Water System (the "System"), located in Converse County, Wyoming for the provision to the public of piped water for human consumption.

3. The Alpine Inn Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an October 24, 2002 sanitary survey by an agent for EPA, Respondents operate a system that is supplied solely by a ground water source. The system provides water to approximately 30 transient persons per day year-round through one service connection.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with

the nitrate maximum contaminant level (MCL) as stated in 40 C.F.R. § 141.62.

2. Respondents failed to monitor for nitrate in 2004, in violation of 40 C.F.R. § 141.23(d).

II.

1. 40 C.F.R. § 141.21 requires the owner and/or operators of non-community public water systems to monitor the water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondents failed to monitor the System's water for contamination by total coliform bacteria during the 2nd (April-June) quarter in 2005, in violation of 40 C.F.R. § 141.21(a).

III.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a total coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within 10 days after the system discovers the violation.
2. Respondents failed to report to EPA the noncompliance detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(2).

IV.

1. 40 C.F.R. § 141.31(b) requires public water systems to

report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondents failed to report to EPA the instance of noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order, and annually thereafter, Respondents shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. As of the effective date of this order, Respondents shall comply with the total coliform monitoring requirements as stated in 40 C.F.R. § 141.21 to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondents shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
3. Upon the effective date of this Order, Respondents shall

- comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
4. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
5. Reporting requirements specified in this Order shall be provided by certified mail to:

8P-W-MS
U. S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District

Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C.
§ 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 8th day of September, 2005.

Eddie A. Seria
for Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

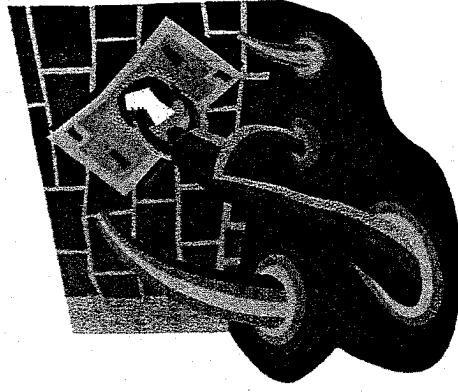
Diane L. Sipe
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING



II Business Resources

The United States Environmental Protection Agency (EPA) offers guidance and tools to assist you in complying with federal and state requirements. We help you understand your environmental obligations, improve your environmental performance, and help you comply through the use of pollution prevention and other

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

<http://www.epa.gov>

Small Business Assistance Program

<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance

<http://www.epa.gov/compliance>

Compliance Assistance Home Page

<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement

<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement

<http://www.epa.gov/compliance/cleanup>

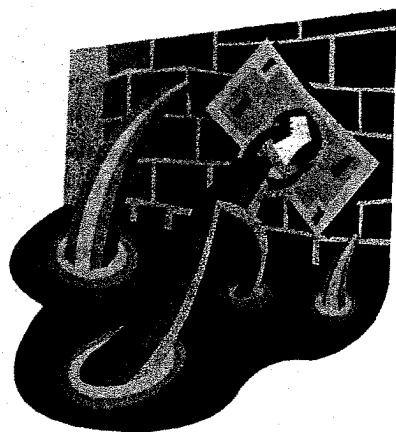
Innovative Programs for Environmental Performance

<http://www.epa.gov/partners>

Small Business Ombudsman

www.sba.gov/ombudsman

FUNDING OPTIONS FOR PRIVATELY-OWNED PUBLIC WATER SYSTEMS IN WYOMING



(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

